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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,263	07/24/2003	Stanley T. Mandeltort	30565/38931	9591

4743 7590 09/13/2005

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EXAMINER

GEHMAN, BRYON P

ART UNIT PAPER NUMBER

3728

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/626,263

Applicant(s)

MANDELTORT, STANLEY T.

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-33 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-7 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yates (2,283,026). Claims 1-7, 11 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. (Figures 2-5) (6,139,210). Each discloses a storage apparatus for safely storing documents, comprising a first transparent sheet (58; top wall 19 of pocket 16; respectively), a second sheet (63; 34) attached to the first transparent sheet along a seal (61; 32) to define a pocket, the pocket having an open end (opposite 69; opposite 13), an adherent (adhesive; adhesive) between the first and second sheets to define a liquid tight construction (page 1, right column, lines 3-17; defined by adhesive 32) and an attachment section (69; 13) adapted to mount the storage apparatus within a container in some manner.

As to claims 2 and 3, the disclosed seals are inherently or expressly air and water tight.

As to claim 4, Nelson et al. disclose heat sealing (column 6, lines 21-34).

As to claims 5 and 18, Nelson et al. disclose the second sheet as the same material as the first sheet (column 5, lines 41-47).

As to claims 6 and 7, each disclose the seal composed of three sides or segments as claimed.

As to claim 11, Nelson discloses a second seal (at 26, Figure 3).

As to claim 17, each discloses the adherent being releasable.

3. Claims 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by either one of Yates and Nelson et al.. Each discloses a method of preserving a document comprising inserting the document (photograph) through an open end of and into a pocket (between 63 and 67; between 14 and 16) formed by a liquid tight seal between two sheets (63, 67; 14, 16), at least one of the sheets being transparent, sealing the open end in a liquid tight fashion with the document inside, and disposing the two sheets in a document container (Figures 1 and 2; described album, see Figure 11).

As to claim 23, each discloses holes (69; as shown) for receiving the sheets in a loose leaf binder by inserting rings (39; as in Figure 11).

4. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by either one of Yates and Nelson et al.. Each discloses a method of manufacturing a device comprising disposing an adherent (adhesive 61; see column 6, lines 21-34) along a first sheet, providing an inherently liquid and air tight seal between the first and a second sheet and forming an attachment section (13) capable of mounting in a photo album (see Figure 11).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Yates and Nelson et al.. The dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

7. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3 and 21 above, and further in view of Rappaport et al. (2002/0116854). Rappaport et al. disclose a storage apparatus for a photograph including a releasable tape (column 3, line 55 through column 4, line 3) covering an adhesive. To modify the prior art further employing a releasable tape as disclosed by Rappaport et al. would have been obvious in order to protect the adhesive prior to use, as suggested by Rappaport et al..

8. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Yates and Nelson et al. in view of Rappaport et al.. Yates and Nelson et al. each disclose a storage apparatus for safely storing documents, comprising a first transparent sheet (58; top wall 19 of pocket 16; respectively), a second sheet (63; 34)

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attached to the first transparent sheet along a peripheral seal (61; 32) comprising two horizontal seams and two vertical seams to define a pocket, the pocket having an open end (opposite 69; opposite 13), an attachment section (69; 13) adapted to mount the storage apparatus within a container in some manner and an adhesive between the first and second sheets to define a liquid tight construction (page 1, right column, lines 3-17; defined by adhesive 32). Rappaport et al. disclose a storage apparatus for a photograph including a releasable tape (column 3, line 55 through column 4, line 3) covering an adhesive. To modify either one of Yates and Nelson et al. employing a releasable tape as disclosed by Rappaport et al. would have been obvious in order to protect the adhesive prior to use, as suggested by Rappaport et al..

9. Claims 19-20, 26-27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Platt (3,279,331). Platt discloses a dual sided tape (3), with the one side having a permanent adhesive and the other a releasable adhesive. To modify the adherent structure of the prior art further employing the dual sided tape structure of Platt would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Platt.

10. Claims 19-20, 26-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Holcomb et al. (4,838,708). Holcomb et al. disclose a dual sided tape covered by a

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releasable tape (50) with permanent and releasable adhesives or both releasable adhesives (see column 3, line 62 through column 5, line 42). To modify the adherent structure of the prior art further employing the dual sided tape structure of Holcomb et al. would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Holcomb et al..

11. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. The seals provided by the prior art to Yates and Nelson et al. are inherently water and air tight. See the extended explanations above.

12. This action is made non-final in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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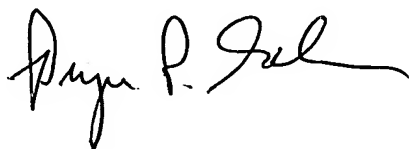
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryon P. Gehman
Primary Examiner
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BPG